



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2402495
Applicant Name: Mark Webster
Address of Proposal: 6509 Beach Drive Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to construct a two car detached garage accessory to a single family residence in a required front yard.

The following approval is required:

Variances:

- To allow a two car detached garage and parking in a required front yard (SMC 23.44.016.C.6).
- To allow a garage in a required front yard to exceed 12 ft. in height (SMC 23.44.016.D.2).
- To allow a portion of the required parking on the lot of principal use to be located off site (SMC 23.44.016.B).
- To allow a curb cut greater than 10 ft (SMC 23.54.030.F).

SEPA DETERMINATION:

☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The 11,434 square foot site is located in a Single Family 5000 zone (SF 5000) and lies on the west side of Beach Drive Southwest south of Atlas Place Southwest. There is an existing single family structure that is approximately 2,198 square feet in area. The western edge of the dry land portion of the property fronts the Puget Sound shoreline (the property extends into Puget Sound). The site has approximately 73 feet of frontage along the right of way (ROW) of Beach Drive SW. The property boundary at this frontage is 11 feet from the sidewalk edge, although a private fence extends along the property length at the sidewalk, not the property line. The lot and undeveloped ROW slope approximately 32 feet downward from the sidewalk to the relatively level yard area in front of the residential structure. Because of this slope, at-grade vehicle access for the site is not possible. Pedestrian site access through stairs is from Beach Drive SW.

Vicinity

The surrounding neighborhood contains a mixture of housing styles, ages and sizes. Although zoned as SF 5000, there is also a wide variety in lot sizes. The lots along the west side of Beach Drive SW have similar down slope yards fronting the street. Many have vehicle access to garages at street grade, some of which are at least partially off site and in the undeveloped ROW of Beach Drive SW. To the east across Beach Drive SW the lots slope steeply upward from the street. Here too, some have off-street vehicle access to garages, some partially in the undeveloped ROW.

Beach Drive SW is classified as a *minor arterial*. Although the ROW is 60 feet the paved surface is approximately 28 feet, 12 of which is for two 6-foot parking lanes.

Proposal Description

The future construction of a 528 square foot, 24 foot wide garage and storage area substantially in the down-sloping front yard and partially in the undeveloped portion of the Beach Drive SW right of way (ROW). The garage will be accessory to the existing single-family residence.

Access to the garage will be across a 5 foot long and 18 foot wide driveway / access bridge extending from the sidewalk and through an existing 20 foot curb cut (previously approved by Seattle Department of Transportation - SDOT). The applicants also have received Street Use Permit approval from SDOT for the placement of the proposed garage, if this variance request is approved by DPD.

Seattle Municipal Code (SMC) 23.44.016 regulates on-site enclosed or open parking for single family residences. Parking is generally not permitted in front yards. However, on lots with down sloping front yards with a minimum elevation drop of 20 feet in the first 60 feet, parking for one (1) vehicle may be allowed (SMC 23.44.016.C.4). Parking under these topographic conditions may be permitted for two (2) vehicles if uninterrupted 24 hour parking is prohibited on at least one side of the street within 200 feet of the subject property (SMC 23.44.016.C.6).

Because of the narrow parking aisles along both sides of Beach Drive SW and the surrounding property topography, which prohibits visibility from yards and residences to the street, the applicants assert that parking for and access to their two vehicles is unsafe, and therefore the Code provision allowing parking for two vehicles in the front yard of down sloping front yards should apply here. Further, the applicant has submitted photographs showing one, two, and three car garages within the Beach Drive SW ROW in the general vicinity and assert that this indicates that they too should be allowed a 2-car garage per SMC 23.44.016.C.6.

Toward this request, two (2) variances are required. Notice of Application was issued for four (4) variances, however two are no longer necessary, as described below.

- To allow a two car detached garage and parking in a required front yard when on-street parking is not prohibited (SMC 23.44.016.C.6).
- To allow a garage in a required front yard to exceed 12 ft. in height (SMC 23.44.016.D). Garage height is measured on the façade containing the vehicle entrance and is measured to grade. The proposed garage will be 5 feet back from the sidewalk and in the ROW. An access bridge with a two (2) percent up slope from the sidewalk will connect the garage and street. Because of the slope beneath the garage front façade, the garage will technically measure approximately 16.3 feet in height. If measured at the property line, which is 7 feet 10 inches inside of the garage, the height would be 24.5 feet. However, from the driveway / bridge access the façade will not exceed 12 feet in height.

Variances No Longer Required

- To allow a portion of the required parking on the lot of principal use to be located off site (SMC 23.44.016.B). The originally proposed garage location did not provide for the minimum 16 foot parking space length fully on site and not in the ROW. Subsequent relocation of the proposed garage 5 feet back from the sidewalk provides for full on-site parking with the remaining 7.82 feet of the garage in the ROW.
- A variance to allow a curb cut greater than 10 ft (SMC 23.54.030.F). When front yard parking is allowed under SMC 23.44.016.C.6, a curb cut wider than 10 feet may be allowed if required for access. The proposal is for a two car garage with an 18 foot driveway within 5 feet of the sidewalk and existing 20 foot curb cut, therefore a curb cut greater than 10 would be needed, and, in fact, already exists. If a variance from SMC 23.44.016.C.6 is granted, the larger curb cut will be allowed under this Code section, not 23.40.020, Variances.

Public Comments

The 14-day public comment period ended December 29, 2004. One written comment letter was received expressing support for the proposal.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The Webster Anderson property contains unusual topographic conditions that prohibit the location of and access to a garage on their property. The property surroundings also present an unusual condition. Beach Drive SW, which is classified as a *minor arterial* and serves as the main north to south street along this section of Puget Sound, is windy and narrow and, because of its restricted width, has undersized parking lanes. These lanes are approximately 6 feet in width. Because of their narrowness, the parking lanes have been striped to clearly differentiate the drive lanes from the parking lanes. The applicant asserts that because of relatively high road speeds, the windy and narrow road configuration, and the undersized parking aisles access to their vehicles when parked on the street is dangerous for themselves and their children. Also, because of these road conditions passing vehicles frequently collide with parked vehicles. Regarding the security of resident vehicles parked on the street, the steep slopes on both sides of the road precludes resident visibility to the street for safety, resulting in numerous vehicle burglaries and thefts.

The SMC does make some provision for topographic conditions in down sloping front yards such as this. SMC 23.44.016.C.4 and D allow a one-car garage of 300 SF, 14 feet in width, and no more than 12 feet in height within the front yard when there is a minimum 20 foot elevation drop in the first 60 feet of the lot. Further, 23.44.016.C and D allow a two-car garage of 600 SF, 24 feet in width, and no more than 12 feet in height when uninterrupted 24 hour parking is prohibited on at least 1 side of the street within 200 feet of the subject lot.

The variance application requests permission to construct a two-car garage according to the provisions of 23.44.016.C and D. The garage would technically be over 12 feet, when measuring the front façade to the grade below, although its height would be 12 feet when measured from the proposed driveway grade and as visible from the street. The applicant asserts that the undersized parking lanes on both sides of Beach Drive SW, which creates the dangerous conditions cited above, effectively restricts parking in this area and that this is similar enough in intent to the exceptions of 23.44.016.C.6 to allow application of those provisions here. Photographs of 11 properties along the applicant's section of Beach Drive SW with one, two, and three car garages in the front yard, some also partially in the ROW, were submitted with this request.

Personal safety and convenience while arriving or departing from ones property is a right that should be enjoyed by all residents. The Land Use Code allows on-site parking toward this end. It makes provision to accommodate properties that have unusual topographic or restricted parking conditions. The unusual conditions of this site are very similar to those that are intended

to be addressed by the provisions of SMC 23.44.016. The submitted photographs and a visual survey of neighborhood parking and access conditions show a prevalence of existing parking accommodation similar to that requested by the applicant. The Code height measurement method for a structure built on a slope and providing for a set-back from the closest level area (here the sidewalk) will always result in that structure being technically over height, although within height when measured from where the structure will be seen from the ROW, that is, where it meets the grade at the driveway or street. The garage as proposed would be within the 12-foot height limit as measured from the access driveway. Based on these findings, the strict application of the Land Use Code to this site's unusual conditions would clearly deny the property of rights and privileges enjoyed by others in the same zone and vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The variance request is to allow a two-car garage as permitted under the parking exceptions for down sloping front yards with restricted on street parking and that technically exceeds the 12-foot height limit (SMC 23.44.016.D). Currently the applicants are eligible to construct a one-car garage in their front yard because of down sloping site conditions. This allowed garage would, by the situation of the extreme slope, also technically exceed the height limit. However, it would not exceed the height limit as measured from the driveway and ROW, a more meaningful method of assuring the structure is an appropriate height for the zone. The substantive request is therefore to increase the garage size to accommodate two vehicles.

Allowing an expansion from the permitted one-car garage to a two-car garage is not a grant of special privilege inconsistent with the limitations on other properties in the vicinity. There are numerous properties in the vicinity along Beach Drive SW with two and three car garages within the front yards and some also in the right of way. Allowing this expansion will not be inconsistent with properties in this zone. The discussion in Criterion 1 above noted that the unusual conditions in this situation meet the intent of the exceptions for allowing a two-car garage in a front yard. This variance request also meets the criterion for a solution that is the minimum necessary.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

The proposed garage will be the Code allowed size for two-car garage in a down sloping front yard. It will be of a high quality design and will blend in with the surrounding fence and neighborhood. The street façade will be recessed 5 feet from the sidewalk to allow visibility between drivers exiting the garage and pedestrians traveling on the sidewalk. Five-foot site triangles will be provided on either side of the driveway to further assure this visibility. The garage is a minimum of 11.5 feet from the nearest neighboring property line. Its proposed construction method (auger cast pilings) should not cause ground disturbance for neighboring properties and create minimal disturbance of the site and ROW slopes.

Allowing a two-car garage, instead of providing the allowed one-car structure, will promote general welfare by reducing vehicle and vehicle-pedestrian hazards from the ROW.

The Seattle Department of Transportation (SDOT) has reviewed this request and has issued an Annual Street Use Permit for the construction of the portion of the garage proposed to be in the ROW. This permit is not permanent, but revocable without cause in the event the City needs the structure removed. SDOT has commented that the removal of more vehicles from the street in this area will increase public safety.

The requested variances therefore meet this criterion.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

A two-car garage in a down sloping front yard is allowed by exception (SMC 23.44.016.C.6) when on-street parking is restricted. The dangerous conditions caused by the narrow and windy roadway and parking lanes on Beach Drive SW, a classified *minor arterial*, are similar to those the restricted parking provisions of 23.44.016, and therefore within the intent of this exception.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.*

The Land Use Code clearly anticipated the need to accommodate a variety of conditions affecting vehicle access when it created the down sloping yard and restricted on-street parking exceptions, among others. By also providing for a variance process, the Code acknowledged that there may be other unusual conditions that enumerated Code standards can not anticipate. The combination of unusual topographical conditions and atypical and dangerous parking conditions in the ROW are such un-enumerated conditions.

Granting the request to construct a two-car garage on this lot and one that is technically above the 12 foot height limit is consistent with the spirit and purpose of the Land Use Code regulations for this area and zone.

DECISION - VARIANCE

Based on the above findings and analysis all of the facts and conditions stated in the criteria of SMC 23.40.020, *Variances*, are found to exist, therefore:

1. To allow a two car detached garage and parking in a required front yard (SMC 23.44.016.C.6) is **Conditionally Approved**, and
2. To allow a garage in a required front yard to exceed 12 ft. in height (SMC 23.44.016.D.2) is **Conditionally Approved**.

Two additional variances originally requested are no longer required, as discussed in the above decision. These are

3. To allow a portion of the required parking on the lot of principal use to be located off site (SMC 23.44.016.B).
4. To allow a curb cut greater than 10 ft (SMC 23.54.030.F).

CONDITIONS – VARIANCE

1. A 5 foot by 5 foot triangular area on for a sight triangle must be included on each side of the final driveway design. No obstructions between the height of 32 and 82 inches are allowed (see SMC 23.54.030.G). This must be shown on the approved plans.

Signature: (signature on file) Date: June 16, 2005
Art Pederson, Land Use Planner
Department of Planning and Development
Land Use Services

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